

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

JOHN FROHNMAYER,

Charging Party,

-v-

LONE BEAR HOMEOWNER'S
ASSOCIATION

Respondent.

Case No.: 0062011726

ORDER

On September 27, 2005, John Frohnmayer (Frohnmayer) filed a complaint with the Department of Labor and Industry's Human Rights Bureau (Department) alleging that Lone Bear Homeowner's Association violated laws prohibiting housing discrimination when it amended its covenants to provide that homeowners within the Association could only rent to single-family units and for a minimum period of six months. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Frohnmayer's allegations that these restrictions unlawfully discriminated against a protected class and the Department issued a Notice of Dismissal. Frohnmayer filed objections with the Montana Human Rights Commission (Commission). The Commission considered Frohnmayer's objections without oral argument on March 20, 2006.

The Commission reviewed a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2005); Admin. R. Mont. 24.9.1714(3)*. After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7)*; See also *Mont. Code Ann. § 2-4-702*. If a charging party chooses to commence a civil action, charging party has two years after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-510(5) (2005)*. If a charging party fails to commence a civil action within two years, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that John Frohnmayr's objection is **overruled**. The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this ____ day of March, 2006.

Chair Franke Wilmer
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this _____ day of March 2006.

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Montana Human Rights Bureau